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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,952	11/19/2003	Daryl E. Anderson	200311122-1	9023

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EXAMINER

BLACKMAN, ROCHELLE ANN J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,952

Applicant(s)

ANDERSON, DARYL E.

Examiner

Rochelle Blackman

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005 and 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,38-40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,38-40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>12/12/05</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II (i) 1 of Group 1 corresponding to claims 1, 2, 4, 5, 7, 8, 38-40 and 42 in the reply filed on July 18, 2005 and October 27, 2005 and the telephone interview on November 29, 2005 is acknowledged.
2. Applicant's election with traverse of the restriction requirement in the reply filed on July 18, 2005 is also acknowledged. The traversal is on the ground(s) that the Examiner must examine the entire application if the search and examination can be made without serious burden. This is not found persuasive because the search required for the method claims of Group I is not required for the display system claims of Group II. For example, the method claims of Group I do not require a search for a display as required for Group II.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 7, 8, 38-40 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Drozella (U.S. Patent No. 4,252,439).

Regarding claim 1, Drozella discloses a method (see function of elements in FIGS. 1-5) for aligning a beam projector (see 3 of FIGS. 1-4) with a linear array of receptors (see 12 of FIGS. 1-5) with first and second alignment receptors (see 13 and 14 of FIG. 5) aligned with the linear array of receptors, the method comprising: projecting a beam from the projector (see function of 3 in FIGS. 1-4); sweeping the beam until the first and second alignment receptors sense the beam (see function of 3, 6, 8 or 9, 10 in FIGS. 1-4); upon each of the first and second alignment receptors sensing the beam, transmitting a signal (element 12 is connected to element 16, which is a controller, so the signal is transmitted from element 12 to controller 16 in FIGS. 1-4); responsive to the transmitted signals, recording the position of the beam projector (see function of controller 16 and function of *computer* in col. 3, lines 21-25); computing, from the recorded positions, an alignment position of the beam projector to align with the linear array of receptors (also see function of controller 16 and function of *computer* in col. 3, lines 21-25); and aligning the beam projector with the linear array of receptors according to the alignment position (see function of 3, 6, 8 or 9, 10, 15 of FIGS. 1-4).

Regarding claims 2 and 3, Drozella discloses wherein sweeping the beam includes sweeping the beam horizontally and vertically/ wherein instructing a positioning system to sweep the beam includes instructing the positioning system to sweep the beam horizontally and vertically (see col. 3, lines 10-25).

Regarding claims 5 and 40, Drozella discloses wherein recording the position of the beam projector include recording the horizontal position of the beam projector (see function of 16 and *computer* in col. 3, lines 21-25).

Regarding claims 7 and 42, Drozella discloses wherein computing the alignment position of the beam projector includes computing the horizontal position of the beam projector (see function of 16 and *computer* in col. 3, lines 21-25).

Regarding claim 8, Drozella discloses wherein aligning the beam projector includes positioning the beam projector to the horizontal position of the alignment position (see function of 15 and 16 and see col. 3, lines 9-19).

Regarding claim 38, Drozella discloses a program storage system readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer (see 16 of FIGS. 1-4 and *computer* in col. 3, lines 21-25) to perform method steps aligning a beam projector (see 3 of FIGS. 1-4) with a linear array of receptors (see 12 of FIGS. 1-5) with first and second alignment receptors (see 13 and 14 of FIG. 5) aligned with the linear array of receptors, the method comprising: instructing the projector to project a beam (see function of 3 in FIGS. 1-4; instructing a positioning system to sweep the beam until the first and second alignment receptors sense the beam (see function of 3, 6, 8 or 9, 10 in FIGS. 1-4); receiving a signal indicative of each of the first and second alignment receptors sensing the beam (element 12 is connected to element 16, which is a controller, so the signal is transmitted from element 12 to controller 16 in FIGS. 1-4); responsive to the received signals, recording the position of the beam projector (see function of controller 16 and function of *computer* in col. 3, lines 21-25); computing, from the recorded positions, an alignment position of the beam projector to align with the linear array of receptors (also see function of controller 16 and function of *computer* in col. 3, lines 21-25); and instructing the positioning system to

align the beam projector according to the alignment position (see function of 3, 6, 8 or 9, 10, 15 of FIGS. 1-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Drozella (U.S. Patent No. 4,252,439) in view of Uchida (U.S. Patent Application Publication No. 20040091719).

Drozella discloses the claimed invention except for wherein transmitting a signal includes transmitting an "optical signal".

Uchida teaches transmitting an optical signal (see Abstract).


It would have been obvious to one ordinary skill in the art at the time the invention was to perform optical signal transmission in the Drozella reference, as taught by Uchida for purpose of transmitting signals with low transmission rates, thus increasing the rate of data transmission (see paragraph [0035] and [0043]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RB

William Perkey
Primary Examiner